Remarks

This is in response to the Office Action dated July 24, 2007.

Per suggestion by the Examiner, filed with this amendment is an IDS for citing the reference documents noted on page 1 of the specification. The Examiner is respectfully requested to review those documents and make them of record in this application.

Also being submitted is a newly executed declaration to replace the declaration the Examiner deemed to be defective.

Claims 1-8 and 12-17 were rejected under 35 U.S.C. 102(b) as being anticipated by Hanson (US5919174); and the remaining claims were rejected under 35 U.S.C. 103(a) as being obvious over Hanson, either singly [claim 18] or in combination with Decloux (US5320328) [claim 9] or Steigerwald (US3828982) [claims 10-11].

Per the above amendment, claims 1, 5, 12-15 and 19-22 have been canceled; and claims 23-26 added. The dependencies of claims 2, 4, 6-7 and 16-18 have been amended to depend selectively from independent Claims 23 and 24. New Claim 23 is directed at a valve with a cylindrical resilient sleeve and is roughly in line with the canceled Claim 5, while new Claim 24 is directed at the rotatable locking member and is roughly the same scope as the canceled Claim 15. These new independent Claims are believed to now clearly distinguished from the documents cited.

Hanson (US5919174) describes a valve with a push-down valve element mounted in a side passage. The valve element comprises a rod with a sealing O-ring 38 fitted onto it and is urged outwardly by a helical spring 31. There is no suggestion in this document that the valve could have a cylindrical sleeve of resilient material in the manner now required by the independent Claim 23. The Examiner has identified

the component 114 of Hanson as being a cylindrical sleeve of resilient material but it must be pointed out that this does not take any part in the valve shown in Figure 1, for it serves solely to seal the outside of the catheter 72 as this is extended and retracted (Col 6, Lines 13-22). The pending Claims make it clear that the cylindrical sleeve is supported on a rod forming a part of the valve member and that this is slidable in alignment with a first bore. The sleeve 114 is a static component and is not slidable in the manner required by our amended Claims.

The valve of Hanson is lockable but in a different manner from that required by independent Claim 24. In the Hanson arrangement the cap 15 of the valve element itself is rotatable to align or misalign projections on the inside of the cap to enable or prevent it being pushed down. By contrast, in the arrangement required by Claim 24 the valve has a rotatable lock mounted on the housing that engages with valve element to prevent it from moving or to enable it to move. By keeping the lock separate from the valve element it reduces the risk of inadvertent actuation of the lock. There is no suggestion in Hanson of the inclusion of a separate rotatable lock of the kind required by the amended Claim.

Decloux (US5320328) describes a suction control valve of a very different kind from that of the present invention in that it has a curved valve element that is pulled up or pushed down to open or close passage through the valve housing. There is nothing in this document similar to the valve required by the amended Claims, that is, with a resilient cylindrical sleeve or with a rotatable locking member.

In the amendments, the term "aperture" has been defined so as to overcome the defect identified by the Examiner in paragraph 4.

In light the foregoing, it is respectfully submitted that the instant invention is patentably distinguishable over the prior art. Accordingly, the Examiner is respectfully requested to reconsider the application and pass this case to issue at an early date.

Respectfully submitted,

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